



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
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May 26, 2015

Mr. Reid D. Antonacchio
8232 Jo Ellen Dr.
Fishers, IN 46038

Re: Formal Complaint 15-FC-144; Alleged Violation of the Access to Public Records Act by the Office of Governor Mike Pence

Dear Mr. Antonacchio,

This advisory opinion is in response to your formal complaint alleging Governor Pence violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* On April 10, 2015, the Governor's Office responded to your complaint via counsel, Mr. Christopher Anderson, Esq. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on April 21, 2015.

BACKGROUND

Your complaint dated April 21, 2015 alleges the Governor's Office violated the Access to Public Records Act by failing to provide the files you requested.

On April 3, 2015, you made APRA requests to the Governor's Office. You stated you are seeking documents and correspondence relating to the signing of Senate Bill SB-101. As of the filing of your complaint, the Governor's Office has not responded.

Counsel for the Governor's Office replied on April 27, 2015. Despite the tracker stating the request was delivered, counsel contends it was not received by the Office, but rather by the Statehouse mailroom.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Governor's Office is a public agency for the purposes of the

APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Governor's Office public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

While the Post Office tracker states the letter was delivered to the Indiana Statehouse Mailroom, apparently it was never actually received by the Governor's Office. As this Office does not make value judgments as to factual disputes, it is unclear what became of your request. The Governor's Office has made it clear they are willing to respond to your request. Based upon your complaint, I encourage them to do so expeditiously.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Mr. Christopher Anderson, Esq.